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A REMEMBRANCE OF HOWARD TAUBENFELD: MASTER TEACHER, PROGRESSIVE SCHOLAR, AND SUPPORTIVE COLLEAGUE

*C. Paul Rogers III**

This February when Howard Taubenfeld suddenly passed away, we lost a gentle intellectual giant, a friend, a colleague, and a teacher. Howard's interests and breadth of knowledge knew few boundaries. His research, teaching, and scholarship included the application of law to outer space, weather modification, new technology, race relations, women's rights, ethics, the environment, and the family to name just a few.

A country music song runs "I was country before country was cool." Well, Howard Taubenfeld with his wife Rita wrestled with issues like gender bias and sex and race discrimination before those topics were cool or of even passing concern to most scholars. Certainly no one looked to international law to correct these global inequities until Howard came along. His impact in those and many other fields will be long lasting.

Howard truly was a Renaissance man, a citizen of the world. Conversations with him were delightful and memorable. He was equally comfortable talking about the politics of South Africa, environmental policy in Tunisia, Japanese society, the economy of Costa Rica, ethical norms, or the 1955 Brooklyn Dodgers.

Even with his brilliance, Howard Taubenfeld was not an egotist. Rather he was a genuinely nice person, always upbeat, friendly, and unflappable. He liked people and people liked him. His encouraging words to me over the years, often on the bleakest of days, helped to fortify me. We on the faculty all grew to admire his sense of fairness, his concern for the less privileged in our society, and his unwavering belief that the law was for the benefit and protection of all.

Howard also firmly believed that everyone intellectually and academically qualified should have access to legal education. Several years ago, at the prodding of President A. Kenneth Pye, the Law School engaged in a year long study to consider the feasibility of reopening an evening division, which we had phased out in the 1960s. Although the study confirmed that there was a significant demand for part-time evening legal

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education in this area, the great majority of the law faculty opposed the idea, for any number of reasons. I must admit I was not exactly thrilled by the prospect either. Howard was one of the very few that was supportive; he simply believed that business, family, or personal circumstances should not be an impediment to those otherwise qualified who wanted to study law.

Although Howard was sparing with advice, I listened carefully when he gave it. Almost ten years ago I was being considered for the deanship here. When asked I frequently voiced my ambivalence for the job. One day Howard gently told me, "You know you are going to have to decide if you really want to be dean." I realized, of course, that he was absolutely correct.

Howard's clever mind, his quick wit, and his self-confidence made him a wondrous public speaker. Once, several years ago, I had the pleasure of introducing him as part of the SMU Breakfast Series. His topic was Recent Developments in Aerospace Law and his audience included about 150 well-heeled and well-educated professionals and community leaders.

Howard arrived with a blank legal pad. I started to worry. At breakfast, he was engaging, charming, and witty to all concerned. The legal pad remained blank. As breakfast wore on, I worried more. Still the legal pad remained blank. Finally, our host rose to make announcements and introduce me so that I could introduce Howard. As I got up to move to the podium, I took a last, sidelong glance at the legal pad. It now contained all of four words. My anxiety grew deeper still.

I introduced Howard and he proceeded to give one of the most entertaining thirty-five-minute talks that I have ever heard. His tone and pacing were perfect, his humor readily apparent, and his knowledge staggering. He left them applauding and crying for more. My worry quickly vanished, never to reappear where Howard was concerned.

Of course, Howard was known to thirty-five years of SMU law students as a teacher. He was our first Vinson and Elkins Distinguished Teaching Fellow, in honor of his prowess in the classroom. He was our Kingsfield, Paper Chase revisited, the quintessential first year professor. He locked latecomers out, required students to stand to recite. He grilled them, often for the entire period, not out of any meanness but because he wanted his students to learn to think and act on their feet like lawyers. His property class was a rite of passage.

Students in his upper level classes, however, found a striking transformation where his warmth of personality shined. He became Mr. Chips, supportive, almost fatherly, and he let his care for his students show through.

For at bottom Howard was a very caring person. He cared deeply for his family, for this law school and university, and for his students. He was one of the few people I have known who, when he asked you, "How are

you, today?" really wanted an answer. He really did care how you were today.

We are all going to miss Howard's quick smile, cheerful demeanor, and frequent encouragements. We cannot really measure his contributions to our community for they were many. We will have to be content to know that Howard left this law school, this university, and this world better than he found them. Although he left us much too soon, he left his legal pad filled to the brim.

